IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SEVENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

WRIT PETITION No. 22480 of 1994

Between:

N.V.V. Satyanarayana S/o Satyanarayana
R/o Goneda, Kirlampudi (M), East Godavari Dist.

..... PETITIONER

AND

1. Industrial Tribunal-cum-Labour Court, Visakhapatnam

   rep. by Presiding Officer
2. The Secretary, Palem Primary Agril. Coop. Credit Society
   Palem, Kirlampudi (M), E.G. Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ or direction preferably writ of certiorari duly calling for the records in GO Rt.No.497 Labour, Employment and Training (Lab.I) dept., dated 20-10-1994 on the file of the Industrial Tribunal-cum-Labour Court, Visakhapatnam, i.e. 1st Respondent in regard to the said award and to quash the award.

Counsel for the Petitioner: MR.K.VINAYA KUMAR

For the Respondent 1: G.P. for Labour

For the Respondent 2 : A.S.Rama Sarma

The Court made the following :

O R D E R : slated

This Writ Petition is filed challenging the Award, dated 7.9.1994 passed by the Industrial Tribunal-cum-Labour Court, Visakhapatnam in I.D.No.115 of 1992.

2. The petitioner was the workman before the Industrial Tribunal. It is the case of the petitioner-workman that he was appointed as clerk in the second respondent's-society on 3.1.1990 and his services were terminated on 29.9.1990 on oral orders. Therefore, he raised a dispute alleging that his services were terminated in violation of Section 25-F of the Industrial Disputes Act.

3. Before the Labour Court, the workman was examined himself as WW-1 and two documents were marked as Exs:W-1 and W-2 on his behalf. Four witnesses were examined as MW-1 to MW-4 and Exs:M-1 to M-7 were marked on behalf of the management.

4. The Tribunal after considering the evidence available on record came to the conclusion that the workman has not completed more than 240 days of service so as to obtain statutory protection under Section 25-F of the Industrial Disputes Act. Therefore, his plea was rejected and award was passed. Assailing the said award, the present Writ Petition is filed.

5. The learned Counsel appearing for the writ petitioner submits that the calculation made by the Tribunal was not correct and the Tribunal has calculated the actual working days. But, if the correct calculation is done in accordance with Section 25-F of the Industrial Disputes Act, 1947, the petitioner will be completing more than 240 days. Therefore, the award passed by the Tribunal has to be set aside.

6. None appeared for the management. It is also brought to the notice of this

court that the respondents' society became defunct.

7. Be that as it may, since the Tribunal has clearly held that the petitioner has completed only 234 days of service, I do not find any error apparent on the face of the record. The calculation was made basing on the evidence available on record. Thus, I do not find any infirmity in the award passed by the Tribunal.

7. Accordingly, the Writ Petition is dismissed. No costs.

G. BIKSHAPATHY, J

Dated:27-08-2004.

ccm.

To:

1. The Presiding Officer, Industrial Tribunal-cum-Labour Court, Visakhapatnam

2.Two CCs to the G.P. for Labour, High Court Buildings, Hyderabad (OUT).

3.Two CD Copies.